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10/763,630	01/24/2004	Russell Dennis	RD9-03-001	7726

7590 10/07/2005  
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EXAMINER

FERGUSON, MICHAEL P

ART UNIT PAPER NUMBER

3679

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/763,630

Applicant(s)

DENNIS, RUSSELL

Examiner

Michael P. Ferguson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 24 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07/11/05.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 14-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 14, 2005.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 and 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by House et al. (US 6,648,305).

As to claim 1, House et al. disclose a device for tensioning a flexible member relative to a structure comprising:

a body **98** for engaging a support structure;

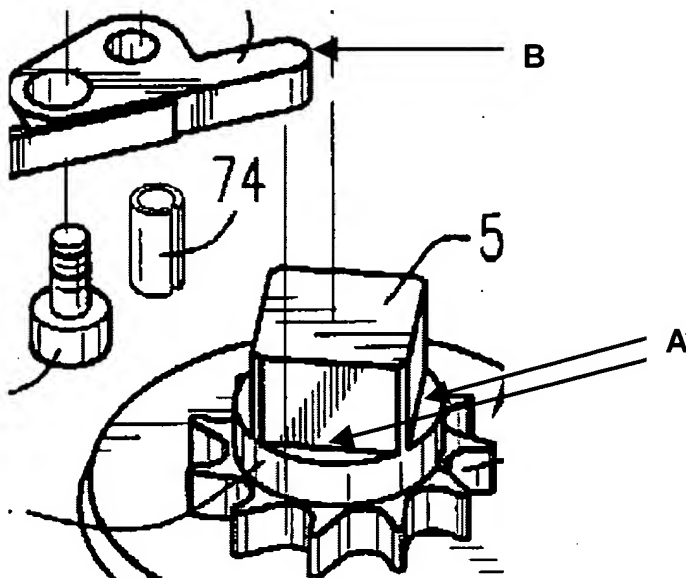
the body supporting a tensioner **94,96**, the tensioner rotationally supported by the body;

a pawl **70** supported on the body and rotationally movable to engage one end thereof with the tensioner;

Art Unit: 3679

a depression **A** (Figure 4 reprinted below with annotations) in the end of the tensioner (depressions **A** are depressed relative to the end and flange **54** thus defining depressions) for rotation thereof,

the pawl having an engaging end **B** perpendicular to the pawl and engaging the surface of a portion of the tensioner, thereby blocking rotational movement of the tensioner (Figures 4 and 6).



As to claim 2, House et al. disclose a device wherein the pawl **70** is biased toward a position wherein the pawl engaging end is blockingly engaged with the tensioner **94,96** (Figure 4).

As to claim 3, House et al. disclose a device wherein the body **98** is unitary (functions as a single body unit).

As to claim 4, House et al. disclose a device wherein the tensioner **94,96** comprises a substantially cylindrical structure having an opening **46** substantially parallel to the axis of the cylinder for receiving an end of a flexible member (Figure 4).

Art Unit: 3679

As to claim 5, House et al. disclose a device wherein the opening **46** comprises a widening **36,38,40** of the opening to accommodate thickened portions of the flexible member (Figure 4).

As to claim 6, House et al. disclose a device wherein the widening **36,38,40** of the opening **46** is located proximate each end of the opening and at mid-opening (Figure 4).

As to claim 7, House et al. disclose a device wherein the bias is provided by a tensioner spring **78** connected to the pawl **70** (Figure 4, column 4 lines 37-40).

As to claim 8, House et al. disclose a device wherein the body **98** supports a pair of tensioners **94,96**, the tensioners rotationally supported by the body;

a pair of pawls **70** each supported on the body and rotationally moveable to engage one end thereof with one of the tensioners, the pawl having an engaging end perpendicular to the pawl and engaging the surface of a portion of the tensioner thereby blocking movement of the tensioner,

each of the tensioners having a depression in the end thereof (depressions **A** are depressed relative to the end and flange **54** thus defining depressions) for rotation thereof (Figure 6).

As to claim 9, House et al. disclose a device wherein the body **98** is unitary (functions as a single unit).

As to claim 10, House et al. disclose a device wherein each tensioner **94,96** comprises a substantially cylindrical structure having an opening **46** substantially parallel to the axis of the cylinder for receiving an end of a flexible member (Figure 4).

Art Unit: 3679

As to claim 11, House et al. disclose a device wherein the opening **46** comprises a widening **36,38,40** of the opening to accommodate thickened portions of the flexible member (Figure 4).

As to claim 12, House et al. disclose a device wherein the widening **36,38,40** of the opening **46** is located proximate each end of the opening and at mid-opening (Figure 4).

As to claim 13, House et al. disclose a device wherein the bias is provided by a tensioner spring **78** connected to the pawls **70** (Figure 4, column 4 lines 37-40).

#### ***Response to Arguments***

4. Applicant's arguments filed July 11, 2005 have been fully considered but they are not persuasive.

As to claims 1 and 8, Attorney argues that:

House et al. do not disclose a device comprising *a depression* in the end of the tensioner for rotation thereof, the pawl having an engaging end *perpendicular to the pawl and engaging the surface of a portion of the tensioner*.

Examiner disagrees. As to claims 1 and 8, House et al. disclose a device comprising a depression **A** in the end of the tensioner **94,96** (depressions **A** are depressed relative to the end and flange **54** thus defining depressions) for rotation thereof, the pawl **70** having an engaging end **B** perpendicular to the pawl and engaging the surface of a portion of the tensioner (Figures 4 and 6).

As to claims 3 and 9, Attorney argues that:

House et al. do not disclose a device wherein the body is *unitary*.

Art Unit: 3679

Examiner disagrees. As to claims 3 and 9, House et al. disclose a device wherein the body **98** is unitary (functions as a single unit).

As to claim 5 and 11, Attorney argues that:

House et al. do not disclose a device wherein the opening comprises a *widening of the opening* to accommodate thickened portions of the flexible member.

Examiner disagrees. As to claims 5 and 11, House et al. disclose a device wherein the opening **46** comprises a widening **36,38,40** of the opening to accommodate thickened portions of the flexible member (Figure 4).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

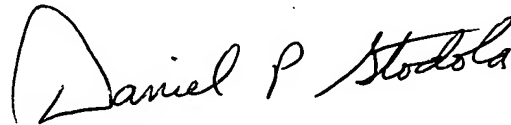
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

Art Unit: 3679

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MPF  
09/27/05



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